



*Working to protect the Mississippi River  
and its watershed in the Twin Cities area.*

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January 21, 2021

Dear Members of the Planning Commission:

Thank you for the opportunity to comment on Ravenna's proposed Mississippi River Corridor Critical Area (MRCCA) ordinance. We applaud Ravenna for being among the first communities to adopt its ordinance.

Friends of the Mississippi River (FMR) is a non-profit organization with a mission to engage community members and other stakeholders to protect, restore and enhance the Mississippi River and its watershed in the Twin Cities Region. We represent thousands of people in the metropolitan area who care deeply about the river.

The Mississippi River is a natural, cultural and historic wonder that helps define our metro area. In recognition of this, its 72-mile stretch through the Twin Cities is not only a state-designated Critical Area but also a national park afforded special protective policies.

The MRCCA ordinance adoption process is an important opportunity for communities to define their goals and expectations for years to come. A successful ordinance will guide riverfront use in a way that reflects the township's environmental, development, and recreational priorities while providing clarity for property owners and builders.

On the whole, we're pleased with Ravenna's draft MRCCA ordinance. We are sharing some recommended changes and additions, mostly minor, for you to consider. FMR has worked with every community undergoing the MRCCA ordinance adoption process and our recommendations are based in part on what other cities and townships are doing.

**Recommendation: add detailed standards for discretionary actions**

We recognize that Ravenna has relatively little development in its Critical Area, but we still recommend that the township adopt the DNR's recommended language about variances and mitigation (this language is included as an attachment to this letter).

In our experience, some variance requests—especially in river areas beloved by the community—can be contentious and challenging for a planning commission and council. The DNR's recommended language offers clearer criteria by which a variance request should be evaluated.

This will provide more clarity for property owners, neighbors, and township leaders when a variance is requested.

The DNR and FMR also recommend requiring mitigation for any negative impacts to Primary Conservation Areas or other MRCCA resources documented in Ravenna's comprehensive plan as a condition of approval for permits, variances, or other discretionary actions. This is another important way to protect the river by ensuring that harm to special resources is mitigated. The DNR's recommended language for mitigation standards is attached. Ravenna's Primary Conservation Areas (bluffs, native plant communities, etc.) are nearly all east of Ravenna Trail.

The two other communities (Minneapolis and Newport) to be further along in their ordinance process than Ravenna have included these detailed variance and mitigation sections; we anticipate that the vast majority of other communities will as well.

### **Recommendation: consider bird-safe lighting requirements**

The Mississippi River is a crucial migratory flyway for about 40% of all North American migrating birds. Roughly 270 bird species live in or travel through the Twin Cities river flyway. Bird populations are experiencing significant collapse and are under continued threat. In the U.S. it's estimated that 600 million birds are killed in window strikes each year. Lighting, landscaping, and building glass are all contributing factors.

Minneapolis, which was the first city to pass its MRCCA ordinance, added a "Performance Standards for Exterior Lighting" section that is attached to this letter as a reference (Newport also has similar requirements). We encourage Ravenna to consider something similar to reduce light pollution near the river, which helps migrating birds have a safer passage through developed areas.

An additional opportunity to reduce light pollution is in section 8.75 regarding public signs and kiosks (for instance, at a boat launch). FMR recommends adding "If illuminated, the lighting must be fully shielded and be directed downward" to this section.

Another opportunity for stronger wildlife protections could be to add this as a required finding for variance requests: "The variance will not negatively impact birds and other wildlife using the Mississippi Flyway through habitat loss in identified Primary Conservation Areas and significant vegetation stands, collision threats, or light pollution." (This is also in Minneapolis' ordinance.)

### **Recommendation: strengthen open space requirements in future development**

It's quite possible that the large undeveloped agricultural tracts within Ravenna's MRCCA boundaries will remain largely as-is for the foreseeable future. However, we recommend that the township strengthen the requirements to create public open space within any future subdivision or master-planned development. This is a good opportunity for the township to emphasize the importance of recreational access and wildlife habitat if land uses transition.

In Ravenna, the land most likely to experience large-scale development is west of Ravenna Trail in the Separated from River (SR) district. The SR district's current standards for open space dedication could be strengthened in two ways:

- Lower the project size threshold that requires compliance with MRCCA design standards from 20 acres to 10 acres (for parcels that don't abut the river).
- Require that 10 percent (or higher) of land be set aside and dedicated as open space *whether or not it contains native plant communities or feasible park/trail connections.*

We understand that the township may be hesitant to take on ownership of the land that could be dedicated in this situation. The state MRCCA rules do not require that the township acquire the land, just that the land has "permanent protection." The land could be acquired by a different government entity other than the township; it could also be appropriate to consider permanent conservation easements or deed restrictions as alternatives to public ownership.

### **Additional recommendations**

We have some additional recommendations for Ravenna's ordinance:

- 3.8: We recommend adding this requirement (also recommended by the DNR): "The DNR will be notified at the time of application submittal of master plans, PUDs, preliminary, and final plats."

The DNR can provide valuable technical assistance for reviewing plans and protecting natural resources; providing early notice gives more time for the DNR to do this and prevents surprises late in the process. This provision was included in both Newport and Minneapolis' ordinances.

- 8.25: We recommend expanding this section by adding a requirement to: "Minimize disturbance during bird migration and nesting times by scheduling construction at times when birds are not migrating or nesting."

This section applies only to public facilities and would not affect construction for private property owners. This is another provision that both other MRCCA ordinances to date have included.

- 9.42: We recommend requiring the use of native vegetation when restoring areas that are subject to a vegetation permit. This would change the wording of subpart D to read "Any native plant communities removed are replaced with **native** vegetation that provides equivalent biological and ecological functions" and subpart E to read "All other vegetation removed is restored with **native** vegetation to the greatest extent practicable."

- 9.62: We recommend requiring that vegetation restoration plans be prepared by “a qualified individual with demonstrable experience and knowledge related to management of natural areas such as natural resource manager or ecologist.”

FMR’s staff ecologists recommend this wording to ensure that the plans are prepared by someone with specific expertise in natural vegetation, which not all lawn or landscaping professionals have.

Please don’t hesitate to contact me at [ctoberman@fmr.org](mailto:ctoberman@fmr.org) or 651-222-2193 x29 to discuss any of our comments further. FMR also has extensive MRCCA ordinance resources (including videos, handouts, and interactive maps) available at [www.fmr.org/river-rules](http://www.fmr.org/river-rules).

Thank you for your time and consideration.

For the river,

A handwritten signature in black ink that reads "Colleen O'Connor Toberman". The signature is written in a cursive, flowing style.

Colleen O’Connor Toberman  
River Corridor Program Director

### **DNR-recommended provisions: Section 3, Administration**

3.3 Variances. Variances to the requirements under this (*section, chapter, or article*) may only be granted in accordance with Minnesota Statutes, Section 462.357 and must consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the variance application, the *township* shall:

3.31 Evaluate the impacts to these resources. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, **consistent with Section 3.5** and

3.32 Make written findings that the variance is consistent with the purpose of this (*section, chapter, or article*), **as follows.**

- A. The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan;**
- B. The variance is consistent with the character and management purpose of the MRCCA district in which it is located;**
- C. The variance will not be detrimental to Primary Conservation Areas (PCAs) and Public River Corridor Views (PRCVs) nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and**
- D. The variance will not negatively impact other MRCCA plan-identified resources.**

**3.5 Conditions of Approval.** The *township* shall evaluate the impacts to PCAs, PRCVs, and other resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts. Mitigation may include:

**3.51 Restoration of vegetation identified as “vegetation restoration priorities” identified in the MRCCA plan;**

**3.52 Preservation of existing vegetation;**

**3.53 Stormwater runoff management;**

**3.54 Reducing impervious surface;**

**3.55 Increasing structure setbacks;**

**3.56 Wetland and drainageway restoration and/or preservation; and**

**3.57 Other conservation measures.**

## **Minneapolis MRCCA ordinance example: performance standards for exterior lighting**

551.1880.- Performance standards for exterior lighting.

(a) *Exterior lighting standards.* In addition to the lighting standards in section 535.590 of this zoning ordinance, all exterior lighting within the MRCCA must comply with the following standards:

- (1) Luminaires must be full-cutoff or fully shielded.
- (2) Uplighting is not permitted, unless otherwise allowed by conditional use permit.
- (3) For structures other than single- and two-family dwellings, and three-family dwellings architectural accent, ornamental, or decorative lighting is not permitted, unless otherwise allowed by conditional use permit.

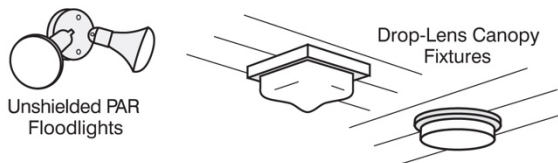
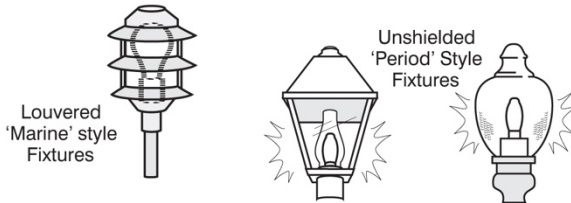
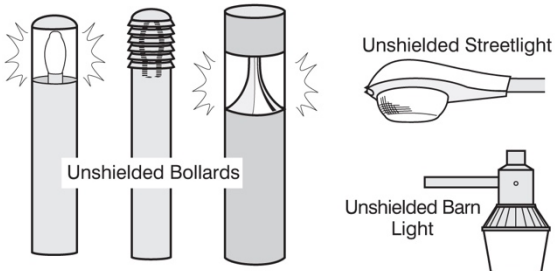
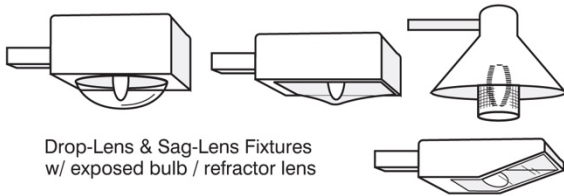
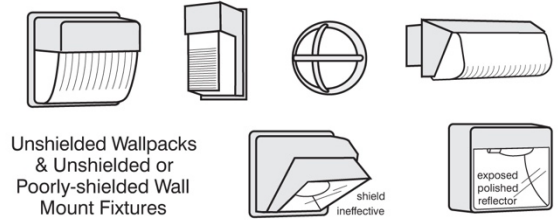
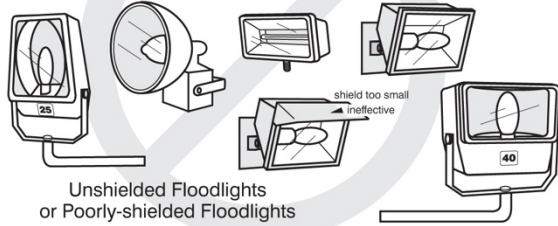
(b) *Conditional use permits and exemptions.*

- (1) Architectural uplighting of buildings and architectural accent, ornamental, or decorative lighting may be allowed by conditional use permit, provided the lighting is turned off from dusk to dawn between March 15 and May 31 and between August 15 and October 31 each year.
- (2) Lighting that is noncompliant with the standards of the section may be allowed by conditional use permit for public parks, athletic fields and outdoor recreation facilities serving or operated by an institutional or public use, and outdoor commercial recreation, entertainment and lodging uses, provided the lighting is related to and reasonable necessary for the operation of the use and that is turned off when the use is not in operation.
- (3) Lighting that is noncompliant with the standards of this section, may be allowed by the Heritage Preservation Commission for historic landmarks and districts when determined to be a contributing feature of a landmark or district. In addition, lighting of public facilities that is noncompliant with the standards of this section, may be allowed by the zoning administrator where required by federal and state historic regulations, guidelines, or environmental reviews. Where possible, lighting should be turned off from dusk to dawn between March 15 and May 31 and between August 15 and October 31 each year.
- (4) The following lighting is exempt from the provisions of this section:
  - a. Publicly controlled or maintained emergency or traffic signals;
  - b. Lighting for public monuments, statues, and bridges;
  - c. Lighting required by federal or state laws or regulations;
  - d. Emergency lighting;
  - e. Flagpoles; and
  - f. Motion-activated security lighting.

# Examples of Acceptable / Unacceptable Lighting Fixtures

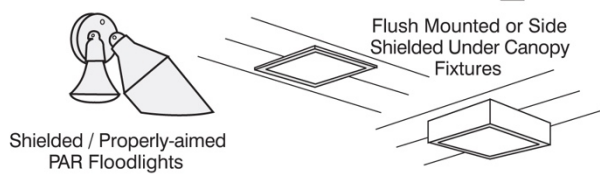
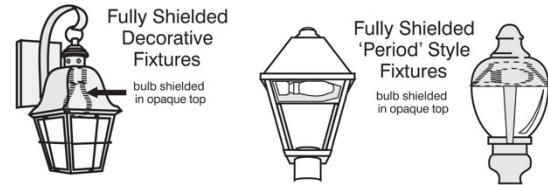
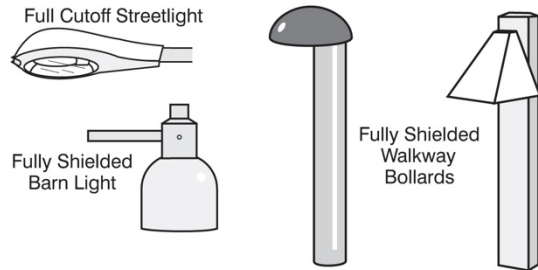
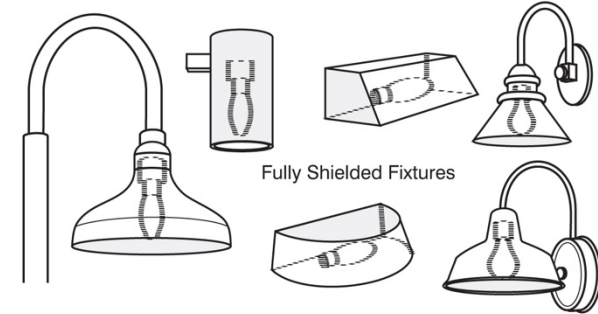
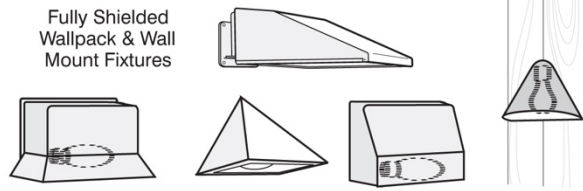
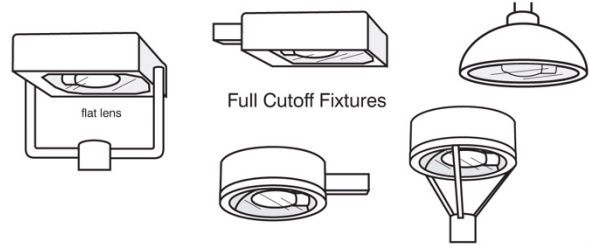
## Unacceptable / Discouraged

Fixtures that produce glare and light trespass



## Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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